

STATE OF INDIANA ) IN THE GRANT COUNTY SUPERIOR COURT  
 ) SS:  
COUNTY OF GRANT ) CAUSE NO.  
  
VERNON MAYS, )  
 )  
Plaintiff, ) RECEIVED AUG 20 2021  
 )  
v. ) BLL / DKH  
 )  
NORFOLK SOUTHERN CORPORATION, )  
 )  
Defendant. )

## SUMMONS

To the Defendant named above:

Norfolk Southern Corporation  
c/o Barry L. Loftus, Registered Agent  
300 Main Street, Suite 900  
Lafayette, Indiana 47901

You are hereby notified that you have been sued by the person named "Plaintiff" in the Court stated above.

The nature of the suit against you is stated in the Complaint which is attached to this Summons. It also states the relief sought or the demand made against you by the Plaintiff.

An answer or other appropriate response in writing to the Complaint must be filed either by your or your attorney within twenty (20) days commencing the day after you receive this Summons, (or twenty-three (23) days if this Summons was received by mail), or a judgment by default may be rendered against you for the relief demanded by Plaintiff.

If you have a claim for relief against the Plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

The following documents are also served with this Summons:

Complaint and Appearance

Dated: 8/18/2021

*Pamela K Harris*  
Clerk, Grant County Superior Court



**EXHIBIT  
A**

The following manner of service of summons is hereby designated:

**Certified Mail on Individual at above address**

PREPARED BY:

Michael E. Simmons  
HUME SMITH GEDDES GREEN & SIMMONS, LLP  
Attorney No. 136-49  
54 Monument Circle, 4th Floor  
Indianapolis, Indiana 46204  
Telephone: (317) 632-4402  
Facsimile: (317) 632-5595  
msimmons@humesmith.com  
jlitton@humesmith.com

Attorney for Plaintiff

STATE OF INDIANA ) IN THE GRANT COUNTY SUPERIOR COURT  
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                    )  
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NORFOLK SOUTHERN CORPORATION, )  
                    )  
Defendant. )

**APPEARANCE BY ATTORNEY IN CIVIL CASE**

1. The party on whose behalf this form is being filed is:

Initiating:  Responding: \_\_\_\_\_ Intervening: \_\_\_\_\_; and

The undersigned attorney and all attorneys listed on this form now appear in this case for the following parties:

Name of Party: **Plaintiff, Vernon Mays**

2. Attorney information for service as required by Trial Rule 5(B)(2):

Name: **Michael E. Simmons** Attorney No.: 136-49  
**HUME SMITH GEDDES GREEN** Phone: (317) 632-4402  
**& SIMMONS, LLP** Fax: (317) 632-5595

Address: **54 Monument Circle, 4th Floor**  
**Indianapolis, Indiana 46204**  
**msimmons@humesmith.com**  
**jlitton@humesmith.com**

Each attorney specified on this Appearance:

- (a) certifies that the contact information listed for him/her on the Indiana Supreme Court Roll of Attorneys is current and accurate as of the date of this Appearance;
- (b) acknowledges that all orders, opinions, and notices from the court in this matter that are served under Trial Rule 86(G) will be sent to the attorney at the email address(es) specified by the attorney on the Roll of Attorneys regardless of the contact information listed above for the attorney; and

- (c) understands that he/she is solely responsible for keeping his/her Roll of Attorneys contact information current and accurate, see Ind. Admis. Disc. R. 2(A).
3. This is a civil tort case type as defined in administrative Rule 8(B)(3).
4. I will accept service from other parties by:
- FAX at the above noted number: Yes        No  X
- Email at the above noted number: Yes        No  X
5. This case involves child support issues: Yes        No  X
6. This case involves a protection from abuse order, a workplace violence restraining order, or a no-contact order. Yes        No  X
7. This case involves a petition for involuntary commitment. Yes        No  X
8. There are related cases: Yes        No  X
9. Additional information required by local rule: N/A
10. This form has been served on all other parties and Certificate Of Service is attached:  
Yes  X   No

Respectfully submitted,

/s/Michael E. Simmons

Michael E. Simmons  
HUME SMITH GEDDES GREEN & SIMMONS, LLP  
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54 Monument Circle, 4th Floor  
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Attorney for Plaintiff

STATE OF INDIANA ) IN THE GRANT COUNTY SUPERIOR COURT  
 ) SS:  
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VERNON MAYS, )  
 )  
Plaintiff, ) JURY TRIAL REQUESTED  
 )  
v. )  
 )  
NORFOLK SOUTHERN CORPORATION, )  
 )  
Defendant. )

**COMPLAINT**

Comes now Plaintiff, Vernon Mays (hereinafter "Vernon"), by counsel, and for his Complaint against Defendant, Norfolk Southern Corporation (hereinafter "Norfolk"), says:

1. At all times material hereto, Vernon resided in Marion, Grant County, Indiana.
2. At all times material hereto, Norfolk was responsible for operating and maintaining a railroad track on or near the intersection of 10<sup>th</sup> Street and Boots Street in Marion, Grant County, Indiana.
3. On June 26, 2021, Vernon was injured while he was riding his motorcycle over the aforementioned railroad track located on the intersection of 10<sup>th</sup> Street and Boots Street in Marion, Grant County, Indiana.
4. The aforementioned injuries to Vernon were proximately caused by and/or resulted from the negligence and/or fault of Norfolk.
5. As a result of the above-referenced injuries, Vernon has incurred bodily injury, pain and suffering, mental anguish, and other costs, expenses and losses, some of which may be permanent in nature, and other damages recoverable under Indiana law.

WHEREFORE, Plaintiff, Vernon Mays, prays for judgment against Defendant, Norfolk Southern Corporation, in an amount which will fully, fairly and adequately compensate said Plaintiff for all injuries, costs, expenses, losses and damages recoverable under Indiana law, and for all other just and proper relief in the premises.

**JURY TRIAL REQUEST**

Comes now Plaintiff, Vernon Mays, by counsel, and requests a trial by jury in the above-captioned cause of action.

Respectfully submitted,

/s/Michael E. Simmons

Michael E. Simmons  
HUME SMITH GEDDES GREEN & SIMMONS, LLP  
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Indianapolis, Indiana 46204  
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Attorney for Plaintiff